

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ALFRED M. WOLIN
JUDGE

MARTIN LUTHER KING JR. FEDERAL BUILDING
50 WALNUT ST., ROOM 4069
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March 9, 2001

LETTER OPINION - NOT FOR PUBLICATION
ORIGINAL FILED WITH THE CLERK OF THE COURT

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Eugene A. Spector, Esq.
Spector, Roseman & Kodroff
1818 Market Street, Suite 2500
Philadelphia, PA 19103

Re: In re Mercedes-Benz Antitrust Litigation
Master File No. 99-4311

Dear Counsel:

Pursuant to the Court's Order of February 16, 2001, counsel seeking appointment as Lead Counsel for plaintiffs were to submit applications to the Court. Three have done so. These applicants are:

Anthony J. Bolognese, Esq.
Bolognese & Assocs., L.L.C.
Two Penn Center Plaza, Suite 200
Philadelphia, PA 19103

Paul T. Gallagher, Esq.
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These firms propose a tripartite, co-Lead Counsel structure. Each firm has been involved in this matter since its inception, Mr. Bolognese formerly as Counsel to the Spector, Roseman & Kodroff firm. Each firm has substantial experience in class action litigation. The Court is satisfied that, under present assumptions regarding the scope of this matter, Mr. Gallagher's and Mr. Spector's firms possess sufficient legal personnel and other resources to successfully litigate this matter.

As is implicit in the February 16, 2001 Order, the Court's preference is for a single Lead Counsel upon whom the various responsibilities set forth in that Order would fall. However, the Court recognizes that the applicants have apparently developed a working relationship over the course of this litigation to date. Obviously they are satisfied with this relationship and believe it has operated efficiently thus far. Moreover, no other applicants for the Lead Counsel position have appeared. The Court will, therefore, approve of the co-Lead Counsel structure proposed by the applicants subject to the

following provisions.

Co-Lead Counsel shall be jointly and severally responsible for the responsibilities and duties of Lead Counsel set forth in the February 16, 2001 Order. Local counsel for co-Lead Counsel shall be Lisa Rodriguez, Esq., of the firm of Rodriguez & Richards, L.L.C., of Haddonfield, New Jersey. Communication by the Court to any one of co-Lead Counsel or to Ms. Rodriguez, including any written, telephonic, formal or informal communication, shall be deemed a communication with all of co-Lead Counsel. Service of papers by any party upon co-Lead Counsel for plaintiffs in the manner required by paragraph 20 of this Court's February 16, 2001 Order may be accomplished by serving Ms. Rodriguez in hand or by overnight courier.

As counsel have previously been advised, the appointment of co-Lead Counsel shall not establish the law of this case with respect to any other issue. Without limitation of the foregoing, the Court expressly reserves its decision with respect to class certification, appointment of class counsel and any issue regarding fees to be awarded, if any, in the event a class is certified or upon the disposition of this matter.

Ms. Rodriguez will be continued in her appointment as
Liaison Counsel.

Very truly yours,

/s/ Alfred M. Wolin

AMW:bv

ALFRED M. WOLIN
U.S.D.J.

CC: Special Master James J. Shrager
Lisa Rodriguez, Esq.
Andrew Napolitano, Esq.
Michael Waters, Esq.